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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,165	01/14/2002	Kenji Terao	Q68079	5038

7590 09/19/2005

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2100 Pennsylvania Avenue, NW
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EXAMINER

GHULAMALI, QUTBUDDIN

ART UNIT	PAPER NUMBER
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2637

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,165

Applicant(s)

TERAO, KENJI

Examiner

Qutub Ghulamali

Art Unit

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 8-11, 13-15 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-6, 8-11, 18-19 is/are allowed.
- 6) ☒ Claim(s) 13-15 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed by the applicant (s) on 07/05/2005, in response to the office action dated April 4, 2005.

Response to Arguments

2. Applicant's arguments filed 07/05/2005 with respect to claims 13-15 have been considered but are moot in view of the new ground(s) of rejection necessitated by the applicant's amendment.
3. The applicant's Remark/Argument beginning page 14, regarding claims 13-15, have been fully considered but are not persuasive.

The applicant (s) indicates that Hiramatsu fail to teach or suggest in independent claim 13, "a detection means which detects a signal power within selected region and determining a signal power distribution condition".

Examiner's response – The examiner respectfully would like to point out that Hiramatsu on the contrary, clearly shows in col. 6, lines 46-53, a detection means wherein the timing and direction of profiles become maximum are detected as a result of the path search which is output to the determination circuit as the timing of the path of a presently communicating desired (selected region) station.

Claims 14 and 15 are dependent claims, having similar explanation applied as disclosed in prior office action. Therefore, in light of the above explanations, the examiner concludes that

Hiramatsu discloses the limitations of the claimed subject matter as anticipated. Accordingly,

THIS ACTION IS MADE FINAL.

Claim Objections

4. Claim 13 is objected to because of the following informalities: Claim 13, line 12, recites “processing”, shouldn’t it be “possessing”? Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 13-15, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hiramatsu (USP 6,498,928).

As per claims 13 and 20, Hiramatsu discloses performing a path search comprising:
a separating (dividing) means, which divides said delay profile into a plurality of regions based on said delay time, and selecting at least one said regions (which separates at least one of said selected region of said delay profile at the respective timings) at each of said timings as a designated object for a signal power detection (col. 6, lines 46-53; col. 8, lines 32-34);
a detection means, which performs detection within said separated region, and determines a power distribution condition (col. 6, lines 4-23, 46-53; col. 7, lines 1-26);

a priority establishing means, which establishes a priority of a region (directivity) in response to said power distribution condition (col. 3, lines 15-26; col. 6, lines 46-53); and
a region designation means, which designates a region to be selected as an object to be separated in said separating means so that the higher priority region, with the higher frequency can be selected (col. 1, lines 12-21).

With reference to claim 14, Hiramatsu discloses said searching searches for a peak power within said each one of said regions, and wherein a region is selected so that the higher peak power a region possessing, with the higher frequency can be selected (figs. 6A-B; col. 4, line 67; col. 5, lines 1-4).

Regarding claim 15, Hiramatsu discloses control is performed so that, in a case in which said peak power used in classification into said important regions and said non-important regions, when path information corresponding to one peak power within a region is assigned to a finger, a region Including said one peak power is included in said important regions, and when path information corresponding to one peak power within a region is not assigned to a finger, a region including said one peak power is removed (isolated) from said important regions (col. 3, lines 29-36; col. 4, lines 11-26).

Allowable Subject Matter

7. Claims 1-3, 5-6, 8-11, 18-19 allowed.

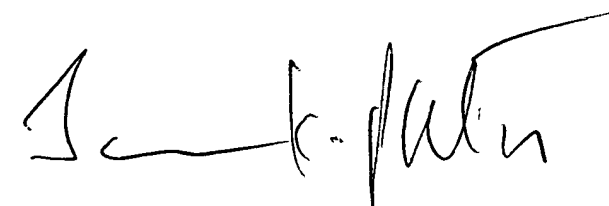
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutub Ghulamali whose telephone number is (571) 272-3014.

The examiner can normally be reached on Monday-Friday from 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QG.
September 15, 2005.



JAY K. PATEL
SUPERVISORY PATENT EXAMINER